

Order 2001-4-17
Served: April 16, 2001

126171



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 11th day of April, 2001

Application of

FLORIDA COASTAL AIRLINES, INC.

Docket OST-00-7803-8

for authority as a commuter air carrier under 49 U.S.C.
41738

ORDER DISMISSING PETITION FOR REVIEW

By Order 2001-3-13, served March 16, 2001, the Director of the Office of Aviation Analysis, acting under assigned authority, dismissed the commuter application of Florida Coastal Airlines, Inc. (Docket OST-00-7803) for lack of prosecution. Under the Department's rules (14 CFR 385.52), this staff action would become the final action of the Department unless a petition for review was filed within 10 days of the order's service date, that is, by March 26, 2001.

On March 26, 2001, Florida Coastal made a timely filing requesting reconsideration of the dismissal action taken in Order 2001-3-13. In support of its request, Florida Coastal noted that, while it had been slow to respond to certain requests for information made by the Department, these delays were due to factors beyond Florida Coastal's control. Further, Florida Coastal stated that, "within the next 10 days," the company would file a supplement to its application with updated fitness information. However, on April 6, 2001, Florida Coastal filed a notice withdrawing its March 26 petition for reconsideration. In doing so, Florida Coastal stated that it was unable to continue to prosecute its application at this time. Further, Florida Coastal acknowledged that it was aware that its withdrawal of the petition would result in the Department's action in Order 2001-3-13 becoming final.

In light of the above, we will dismiss Florida Coastal's Petition for Review of Order 2001-3-13.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We dismiss, without prejudice, the petition for review of Order 2001-3-13 filed in Docket OST-00-7803 by Florida Coastal Airlines, Inc.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order is effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

SERVICE LIST FOR
FLORIDA COASTAL AIRLINES, INC.

Attachment A

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